Madam Speaker :—Is it the pleasure of the Assembly that the permission be granted to Sri S. H. Puttaranganath?

Hon. Members :—Yes.

Madam Speaker:—Permission to remain absent is granted.

Madam Speaker :—The House stands adjourned to meet again on Thurs day the 10th May 1973 at 1 p.m.

The House adjourned at Fifty Minutes past One of the Clock to meet again at One of the Clock on Thursday, the 10th May 1973.

9. Annexures

THE MYSORE HIGH COURT (AMENDMENT) BILL, 1973.

A Bill to amend the Mysore High Court Act, 1961.

Whereas it is expedient further to amend the Mysore High Court Act, 1961 (Mysore Act 5 of 1962) for the purposes hereinafter appearing ,

Be it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore High Court (Amendment) Act, 1973.

(2) It shall come into force on such date as the State Government may by notification appoint.

2. *Amendment of section 9.*—In section 9 of the Mysore High Court Act, 1961 (Mysore Act 5 of 1962) (hereinafter referred to as the principal Act) after clause (xi), the following clause shall be inserted, namely :—

" (xii) exercise of powers under,—

(a) clause (1) of article *226* of the Constitution of India except where such power relates to the issue of a writ in the nature of habeas corpus ; and

(b) articles *227* and *228* of the Constitution of India.".

3. *Amendment of section 10.*—For clause (iv) of section 10 of the principal Act, the following clauses shall be substituted, namely :—

" (iv) exercise of powers under clause (1) of article 226 of the Constitution of India where such power relates to the issue of a writ in the nature of habeas corpus ;

(iva) an appeal from any original judgment, order or decree passed by a single Judge in exercise of the powers under clause (1) of article 226,, article 227 anda rticle 228 of the constitution of India.".

4. *Act to apply to pending proceedings.*—Notwithstanding anything contained in any law, all applications and other proceedings relating to the matters specified in section 2 pending in the High Court on the date of commencement of this Act shall be disposed of in accordance with the provisions of the principal Act as amended by this Act.

5. *Amendment of Mysore Act No. 16 of 1958.*—In Schedule it to the Mysore Court Fees and Suits Valuation Act, 1958 (Mysore Act No. 16 of 1958), after clause (s) of Article 11, the following clause shall be inserted, namely :—

" (sa) Appeal petition to the High Court from an original judment, decree or order of a single Judge of the High Court made in exercise of the powers under clause (1) of article 226, article 227 and article 228 of the Constitution of India.	One hundred rupees "

STATEMENT OF OBJECTS AND REASONS

At present all applications under clause (1) of article 226 and articles 227 and 228 of the Constitution of India are dealt with by a Bench of two Judges. In the High Courts of Kerala, Madras, Nagpur, Allahabad, Delhi, Calcutta, Andhra Pradesh and Bombay, such applications are delt with by a single Judge and a right of appeal is given to the aggrieved party and such appeals

are delt with by a Bench of two Judges. The Law Ministers' Conference held in 1957 and 1960 was also of the view that such applications should be delt with by a single Judge with a right of appeal to a Bench of two Judges. The Law Commission in its Fourteenth Report Vol. II while considering the question has started with particular reference to Madras that such a procedure has yielded satisfactory results. As the principles governing the disposal of Writ Petitions and connected matters have been now sufficiently clarified by the decisions of different High Courts and the Supreme Court, it is considered desirable to empower a single Judge to deal with applications under clause (1) of article 226 (except where the prayer is for the issue of a writ in the nature of habeas corpus) and applications under articles 227 and 228 of the Constitution of India with a right of appeal to a Bench of two Judges. It is also considered that this procedure may result in more expeditious disposal of such applications, and also provide a right of appeal to the aggrieved party whose right to approach the Supreme Court is very much restricted in view of the Constitution (Thirtieth) Amendment.

Hence the Bill.

FINANCIAL MEMORANDUM

If, as a result of empowering single Judges to exercise powers under articles 226, 227 and 228 of the Constitution of India and providing an appeal against the orders of single Judges in such cases to a Bench of two Judges, necessity for appointing more Judges arises, there may be some additional expenditure from the consolidated Fund of the State. It is not possible to assess the probable expenditure as it depends upon the number of Judges so appointed.

D. DEVARAJ URS

THE MYSORE CO-OPERATIVE SOCIETIES (SECOND AMENDMENT) BILL, 1973.

(L.A. Bill No. 33 of 73)

A Bill further to amend the Mysore Co-operative Societies Act, 1959.